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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,972	06/30/2003	Juhan Trinen	P23902	6955
7055	7590	01/07/2005	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			SHRIVER II, JAMES A	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 01/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/607,972

Applicant(s)

TRINEN ET AL.

Examiner

J. Allen Shriver

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 is/are allowed.
- 6) ☒ Claim(s) 1-3,5-12,15-17 and 19-38 is/are rejected.
- 7) ☒ Claim(s) 13,14 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/744,998.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's submittal of an amendment was received on October 22, 2004, wherein claims 4 and 16-17 were amended and new claims 21-38 were added.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.
3. **Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.** Claim 22 recites the limitation "said means comprises means for transmitting" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-2, 6-8, 10-12 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Gurley (US Patent 4,750,760).** Gurley discloses a hand grip (10) for an axially extending sports pole (11), said grip handle comprising a peripheral wall (12) adapted to

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surround an upper end portion of the sports pole; a support (18) extending from said peripheral wall, said support and said peripheral wall being positioned and shaped to enable said support to provide means for transmitting an axially directed force to the pole with a proximal phalanx of the thumb of a user (See Fig. 2, where both the distal and proximal phalanx of the thumb are capable of directing an axial force to the pole); **[claim 2]** while allowing a mutual rotation of said peripheral wall between the hand of the user and said peripheral wall about an axis extending through said peripheral wall (as shown in Figure 2, the users hand would be allowed to rotate relative to the peripheral wall).

Regarding claims 6-7, Gurley discloses a sports pole (11) comprising an axially extending upper end portion; a grip handle (10) at the upper end portion of the sports pole, said grip handle comprising a side wall (12) and a proximal phalanx thumb support (18) extending from said side wall, said grip handle and said support being positioned and shaped to enable said support to provide means for transmitting an axially directed force to the pole with a proximal phalanx of the thumb of the user; **[claim 8]** said side wall having an intermediate zone (See Figs. 2-6); said support for the thumb extending so as to project from said intermediate zone of said side wall of said grip handle; **[claim 10]** wherein said grip handle extends along a longitudinal axis, and said support for the thumb is inclined angularly and rearwardly with respect to the longitudinal axis of said grip handle during use of the sports pole (See Fig. 6); **[claim 11]** wherein said grip handle further comprises an opposite side wall, said opposite side wall being opposite to said side wall of said thumb support (See Fig. 4); said opposite side wall having a zone of convexity (17), said convexity of said zone of said opposite side wall having a shaped and dimensions to be housed ergonomically in a palm of the user's hand in a closed position of

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the hand of the user around the grip handle, while the thumb of the user is engaged with said thumb support (See Figs. 2 and 4); **[claim 12]** it would be inherent that the hand grips disclosed in Gurley would have specific right and left hand configurations; **[claim 15]** wherein said sports pole is a ski pole.

6. **Alternatively, claims 1-2, 6-8, 10-12, 15, 21-29, 31 and 33-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Cho (US Patent 6,305,051).** Cho discloses a hand grip (See Figs. 1-13) for an axially extending sports pole, said grip handle comprising a peripheral wall adapted to surround an upper end portion of the sports pole; a support (T) extending from said peripheral wall, said support and said peripheral wall being positioned and shaped to enable said support to provide means for transmitting an axially directed force to the pole with a proximal phalanx of the thumb of a user; **[claim 2]** while allowing a mutual rotation of said peripheral wall between the hand of the user and said peripheral wall about an axis extending through said peripheral wall.

Regarding claims 6-7, Cho discloses a sports pole comprising an axially extending upper end portion; a grip handle at the upper end portion of the sports pole, said grip handle comprising a side wall and a proximal phalanx thumb support (T) extending from said side wall, said grip handle and said support being positioned and shaped to enable said support to provide means for transmitting an axially directed force to the pole with a proximal phalanx of the thumb of the user; **[claim 8]** said side wall having an intermediate zone; said support for the thumb extending so as to project from said intermediate zone of said side wall of said grip handle; **[claim 10]** wherein said grip handle extends along a longitudinal axis, and said support for the thumb is inclined angularly and rearwardly with respect to the longitudinal axis of said grip handle during

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use of the sports pole; **[claim 11]** wherein said grip handle further comprises an opposite side wall, said opposite side wall being opposite to said side wall of said thumb support; said opposite side wall having a zone of convexity, said convexity of said zone of said opposite side wall having a shaped and dimensions to be housed ergonomically in a palm of the user's hand in a closed position of the hand of the user around the grip handle, while the thumb of the user is engaged with said thumb support; **[claim 12]** it would be inherent that the hand grips disclosed in Gurley would have specific right and left hand configurations; **[claim 15]** wherein said sports pole is a ski pole; **[claim 21]** wherein said thumb support includes an upwardly facing surface to be engaged with the proximal phalanx of the user's thumb for exerting said axially directed force (See Fig. 6); **[claim 22]** wherein said means comprises means for transmitting an axially directed force to the pole with a proximal phalanx of a thumb of a user as the user's hand is closed upon the grip handle during use of the pole; **[claim 23]** wherein said grip handle and said support are positioned and shaped to enable said support to provide means for transmitting an axially directed force to the pole with a proximal phalanx of a thumb of a user when the user's hand is closed upon said grip handle during use of the sports pole; **[claim 24]** wherein said grip handle comprises a side wall and a proximal phalanx thumb support extending from said side wall for enabling transmission of an axially directed force to the pole with a proximal phalanx of a thumb of a user when the user's hand is closed upon said grip handle during use of the sports pole; **[claims 25-27]** wherein said support has a width, extending along said peripheral wall, sufficient to support only the proximal phalanx of the thumb of the user; **[claims 28-30 and 33-34]** wherein said means comprises a thumb support surface extending away from said side wall along a substantially straight line to a remote end of the thumb support surface; **[claims 31-32 and 35-**

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36] wherein said peripheral wall extending upwardly without an obstruction projecting outwardly from said peripheral wall above said thumb support.

7. **Claims 16-17, 19-20 and 37-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Dondero (US Patent 5,248,163).** Dondero discloses a sports pole (7) comprising an upper end portion (1) extending along a longitudinal axis; a grip handle at the upper end portion of the sports pole, the grip handle comprising a side wall and a thumb support (5) extending from said side wall for enabling transmission of an axially directed force to the pole with a thumb of a hand of a user, said side wall extending upwardly without an obstruction projecting outwardly from said side wall above said thumb support; and a strap/means for maintaining a connection between the hand of the user and said grip handle (2) while allowing an unobstructed rotation of said grip handle about an axis different from said longitudinal axis.

Regarding claim 19, the thumb support disclosed in Dondero is capable of supporting the proximal phalanx of the thumb.

Regarding claim 20, Dondero discloses wherein the sports pole is a ski pole.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gurley (US Patent 4,750,760) in view of Lenhart (US Patent 6,325,418 B1) (foreign priority**

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date of March 15, 1999). Gurley discloses the hand grip as set forth above, but does not disclose said peripheral wall being curved upwardly and away from the user, as the hand grip is held during the sport activity. Lenhart discloses wherein the peripheral wall of the grip handle is curved upwardly and away from the user when held during the sport activity (See Fig. 1). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to curve the grip handle upwardly and away from the user in Gurley in view of the teaching of Lenhart. The motivation for doing so would have been to provide a more ergonomically shaped handle grip for the user.

10. Claims 3, 5, 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cho (US Patent 6,305,051 B1) in view of Lenhart (US Patent 6,325,418 B1) (foreign priority date of March 15, 1999). Cho discloses the hand grip as set forth above, but does not disclose said peripheral wall being curved upwardly and away from the user, as the hand grip is held during the sport activity. Lenhart discloses wherein the peripheral wall of the grip handle is curved upwardly and away from the user when held during the sport activity (See Fig. 1). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to curve the grip handle upwardly and away from the user in Cho in view of the teaching of Lenhart. The motivation for doing so would have been to provide a more ergonomically shaped handle grip for the user.

11. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gurley (US Patent 4,750,760) in view of Cho (US Patent 6,305,051 B1). Gurley discloses the ski pole as set forth above, but does not specifically disclose wherein said support for the thumb has a rounded convex upper surface so as to conform to a curvature of a surface of the thumb in

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engagement with said upper surface when a hand of the user is closed on said grip handle during use of the sports pole. Cho discloses wherein the support for the thumb has a rounded convex upper surface (See Fig. 6) so as to conform to a curvature of a surface of the thumb in engagement with said upper surface. At the time of the invention, it would have been obvious to a person of ordinary skill in this art to make the upper surface of the thumb support disclosed in Gurley have a rounded convex shape as taught by Cho. The motivation for doing so would have been to configure the shape of the thumb support to approximately match the shape and inclination of the user's thumb position on the hand grip.

Response to Arguments

12. Applicant's arguments filed October 22, 2004 have been fully considered but they are not persuasive. On page 14 of Applicant's remarks in regards to claims 1, 6 and 7, Applicant argues that reference number 16 and/or 18 is intended to support the proximal phalanx of the thumb, but rather the distal phalanx of the thumb as shown in Figure 2. Examiner disagrees with Applicant's argument that Figure 2 of Gurley does not show the support (16,18) being capable of receiving an axial force produced by the proximal phalanx. Examiner believes that Figure 2 shows that both the distal and proximal phalanx of the thumb is capable to producing an axial force on the support.

On page 15, Applicant argues that Gurley does not disclose allowing a mutual rotation of said peripheral wall between the hand of the user and said peripheral wall. Examiner agrees that Gurley has extensions 13,14,15 which could inhibit the opening of the hand, but would not completely preclude any rotation of the hand in relation to the peripheral wall.

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On page 17, Applicant argues the rejection of claim 9 should be withdrawn for the reasons given regarding parent claim 7. As set forth above, Examiner maintains that claim 7 is properly rejected by Gurley.

13. Applicant's arguments with respect to claim 3 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

14. Claim 4 is allowed over the prior art.

15. Claims 13-14 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Allen Shriver whose telephone number is (703) 308-1224. The examiner can normally be reached on Mon-Thurs 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris P. Ellis can be reached on (703) 305-0168. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1113.


As of May 1, 2003, any response to this action should be mailed to:

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to: (703) 305-3597 or (703) 305-7687 (for formal communications intended for entry. (703) 746-3852 (for informal communications directly to the Examiner).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuesday, January 04, 2005


ALLEN SHRIVER
PATENT EXAMINER